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| APPLICATION NO.       | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------|-------------|----------------------|---------------------|------------------|
| 09/680,612            | 10/06/2000  | Eric C. Anderson     | P203/1757P          | 1357             |
| 49278                 | 7590        | 07/13/2005           | EXAMINER            |                  |
| SAWYER LAW GROUP, LLP |             |                      | COULTER, KENNETH R  |                  |
| PO BOX 51458          |             |                      | ART UNIT            | PAPER NUMBER     |
| PAL ALTO, CA 94303    |             |                      | 2141                |                  |

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 09/680,612             | ANDERSON, ERIC C.   |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Kenneth R. Coulter     | 2141                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 9-21 is/are allowed.
- 6) Claim(s) 1-5,8,22-25 and 29-32 is/are rejected.
- 7) Claim(s) 6,7 and 26-28 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 October 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 5, 8, 22 – 25, and 29 - 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Safai et al. (U.S. Pat. No. 6,167,469) (Digital Camera having Display Device for Displaying Graphical Representation of User Input and Method for Transporting the Selected Digital Images Thereof).

- 2.1 Regarding claim 1, Safai discloses a method for reducing transmission bandwidth requirements of portable image capture device, the image capture device including means for establishing communications connection on a network, the method comprising:

a first time captured images are uploaded to a server, assigning a respective image identifier to each of the captured images, wherein each of the images are stored in an image file, each of the image files having a particular size (Abstract "Each image

may be marked with an authentication stamp that **uniquely identifies the image ...** "); and

in response to a user request to apply an action to one of the uploaded images from the portable image capture device, transmitting the requested action and the image identifier, rather than the image itself, to the server, thereby eliminating the need to retransmit the image and reducing the transmission bandwidth (Fig. 2; col. 15, lines 27 – 45 "The **camera owner may use the camera 100**, under control of the transport application 230 or another application, to upload one or more photos to the camera owner's account and **designated** photo storage area on the storage device 614 ... The owner may also **print any stored photo** at any time and **transport any photo** at any time... Thus, the storage device 614 and services 602 provide a **virtual photo album service to the camera owner.**").

2.2 Per claim 2, Safai teaches reducing the size of each of the image files corresponding to the uploaded images on the image capture device, thereby reducing storage requirements (col. 10, lines 33 – 40 "small-size representation", "thumbnail" views").

2.3 Regarding claim 3, Safai discloses uploading the image identifiers with the captured images (col. 4, lines 14 – 18 "storing the authentication information in association with the image during the step of transporting the image from the digital camera to the address.").

2.4 Per claim 4, Safai teaches deleting at least a portion of each of the image files (col. 10, lines 60 - 67).

2.5 Regarding claim 5, Safai discloses the step of storing each of the captured images in an image file that includes a high resolution image, a reduced resolution image, the audio, wherein step (b) further includes the step of:

replacing the high resolution image with the reduced resolution image (col. 10, lines 25 – 39 “thumbnail views of photos that are stored in the camera”).

2.6 Per claim 8, Safai teaches replacing each of the uploaded images with an alias that includes the image identifier assigned to the uploaded image (col. 11, lines 12 – 14; col. 15, lines 28 - 46).

2.7 Regarding claims 22 – 25 and 29 – 32, the rejection of claims 1 – 5 and 8 under 35 USC 102(e) (paragraphs 2.1 – 2.6 above) applies fully.

#### ***Allowable Subject Matter***

3. Claims 6, 7, and 26 – 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 9 – 21 are allowed.

***Response to Arguments***

5. Applicant's arguments filed 3/28/05 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues that "nothing in the cited portion teaches or suggest that the transport application transmits 'the image identifier, rather than the image itself, from the portable image capture device to the server,' as recited in claim 1."

Previously, Applicant argued that "Safai fails to teach or suggest that after an image is uploaded and associated with an image ID that the request for a subsequent service, such as printing the image, is made *from the camera*."

Examiner disagrees.

Safai clearly discloses that "**the camera owner may use the camera 100**, under control of the transport application 230 or another application, to **upload** one or more photos to the camera owner's account and **designated** photo storage area on the storage device 614 ... The owner may also **print any stored photo** at any time and **transport any photo** at any time... Thus, the storage device 614 and services 602 provide a **virtual photo album** service to the camera owner." (col. 15, lines 33 – 45).

Clearly, once the image is uploaded from the remote device of Safai, further action taken by the user of the remote device on the centrally stored photos does not involve uploading the images a second time.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 549.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for

Art Unit: 2141

the organization where this application or proceeding is assigned is 703 872-9306 (571  
273-8300 as of 7/15/2005).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

krc

KENNETH R. COULTER  
PRIMARY EXAMINER  
